

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Babu K. Chandrasekhar, Shaofei Chen, Timothy W. Cox, Steven A. Grigsby  
Assignee: Dell Products L.P.  
Title: Cache System in Factory Server for Software Dissemination  
Serial No.: 10/730,435 Filed: December 8, 2003  
Examiner: Satish Rampuria Group Art Unit: 2191  
Docket No.: DC-05370 Customer No.: 33438

November 24, 2008

FILED ELECTRONICALLY

**PRE-APPEAL BRIEF REQUEST FOR REVIEW  
AND STATEMENT OF REASONS**

Sir:

Applicant requests review of the Final Office Action in this application. No amendments are being filed with the request. This request is being filed with a Notice of Appeal. The following sets forth a succinct, concise, and focused set of arguments for which the review is being requested.

**CLAIM STATUS**

Claims 1-20 are pending in the application. Claims 1-3, 5-7, 8-10, 12-17, 19, and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,075,943 to Feinman ("Feinman") in view of U.S. Publication No. 2004/0019888 to Jain et al. ("Jain"). Claims 4, 11, and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Feinman in view of Jain, and further in view of U.S. Patent No. 6,088,803 to Tso et al. ("Tso"). Claims 1, 2, 4, 5-8, 11-15, and 18-20 are provisionally rejected as unpatentable over claims 1, 4, 5-8, 11-15, and 18-20 of co-pending Application No. 10/657,989 (hereinafter "989 Application"). Applicants respectfully traverse this rejection, but request that the response to this rejection be held in abeyance until Examiner has indicated allowable claims in the present application.

**REMARKS**

Applicants' invention is directed to a system and method for a system for automated storing of software on an information handling system. In various embodiments of Applicants' invention, a distribution server is configured to receive a software application

file. A repack and script regeneration server is coupled to the distribution server, and is configured to: disassemble the software application file into a plurality of individual program files; generate an index of the individual program files; identify and remove redundant program files; generate a composite program file library containing a plurality of the program files; and generate scripts for automatically controlling the transfer of the program files to an information handling system. A download server is configured to store the program files on a storage medium on a target information handling system.

In the Office Action dated August 27, 2008, the Examiner rejected independent claims 1, 8, and 15 under 35 U.S.C. §103(a) as being unpatentable over *Feinman* in view of *Jain*. As discussed above, each of the aforementioned independent claims recite a system, method, or information handling system that comprises a repack and script regeneration server that disassembles a software application into a plurality of individual program files, generates an index of the individual program files and identifies and removes redundant program files. Examiner acknowledges that *Feinman* fails to disclose a system and method that discloses the identification and removal of redundant program files. Examiner alleges, however, that this feature is disclosed by *Jain*. For this proposition, Examiner cites paragraph [008] of *Jain*, which states “...any links pointing to redundant files are removed from the primary directory. (emphasis added) It is abundantly clear that *Jain* does not teach the removal of redundant files; rather, *Jain* only teaches the removal of links pointing to redundant files. All of the program files in the *Jain* reference are maintained. Thus, the combination of references proposed by Examiner fails to teach all of the limitations recited in independent claims 1, 8 and 15 of Applicants’ patent application. Specifically, the proposed combination fails to teach the removal of redundant files as recited in independent claims 1, 8, and 15 of Applicants’ patent application.

In the current Office Action, Examiner responds to the previous arguments submitted by Applicants by maintaining the rejection of independent claims 1, 8 and 15 under 35 U.S.C. §103(a) as being unpatentable over *Feinman* in view of *Jain*. Examiner cites paragraphs [0025], [0034], [0037] and [0038] for the proposition that *Jain* provides the teaching of “identifying, and remove [sic] redundant program files” that is not taught by *Feinman*. (OA, August 27, 2008, page 2) (emphasis added). Applicants respectfully submit that Examiner has mischaracterized the cited portion of *Jain* and has omitted the term “entries” in his citation. Paragraph [0034] of *Jain* states that the generator system [paragraph 0025] removes duplicate file entries, not the duplicate files. The significance of this can be understood by referring to

the description of the operation of the generator 220 as describes in paragraph [0020] of Jain.  
For convenience, relevant annotated portions of paragraph [0020] of Jain are set forth below:

As shown in FIG. 3, ..., The generating program 220 creates a map that points to each of the necessary data sources 212.... The generating program 220 will look for any redundancies and remove pointers [in the map] to redundant files. .... What is left is virtual map 226 to all of the data files 228 necessary to perform an install of the software....

From the description above, it is clear that Jain does not teach the removal of redundant files, but, rather, teaches *the omission* of file *entries* from a “*virtual map*” to data files that are to be installed. The combination of Feinman and Jain, therefore, fails to provide a teaching of all of the limitations recited in independent claims 1, 8 and 15 of Applicants’ patent application.

Applicants submit, therefore, that the combination of Feinman and Jain fails to teach all of the limitations recited in independent claims 1, 8, and 15, and, therefore, the rejection of these claims under 35 U.S.C. § 103(a) should be removed and these claims should be passed to allowance. Applicants further submit that all pending dependent claims are allowable as being dependent on allowable base claims.

### **CONCLUSION**

In view of the remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned at 512-338-9100.

**CERTIFICATE OF TRANSMISSION**

I hereby certify that on November 24, 2008, this correspondence is being transmitted via the U.S. Patent & Trademark Office’s electronic filing system.

*/Gary W. Hamilton/*

Respectfully submitted,

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